

Appl. No. 10/532,814
Amendment dated August 24, 2006
Reply to Office Action of June 27, 2006

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes a change to Figure 1. This sheet, which includes Figure 1, replaces the original sheet including Figure 1.

Attachment: one (1) replacement sheet

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REMARKS

In the June 27, 2006 Office Action, the specification was objected to and claims 1 and 8-10 stand rejected in view of prior art, while claims 2-7, 11, 12, and 25 were withdrawn from consideration. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the June 27, 2006 Office Action, Applicants submit herewith a substitute specification, have amended claims 1, 5, 6, and 10, and have cancelled claims 11, 12, and 25 as indicated above. Further, Applicants have submitted a corrected drawing sheet that corrects an error in Figure 1 discovered upon review. Thus, claims 1-10 are pending, with claim 1 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Drawings

Upon review, Applicants noticed that Figure 1 lacked a legend designating it as prior art. Thus, Applicants submit herewith a corrected drawing sheet with a legend indicates that Figure 1 shows prior art. Applicants believe that the drawings are now correct

Specification

In item 1 of the Office Action, a substitute specification in proper idiomatic English and in compliance with 37 CFR §1.52(a) and (b) was required. In response, Applicants submit herewith a substitute specification. Applicants respectfully assert that the substitute specification contains no new matter.

Withdrawal of the objection is respectfully requested.

Rejections - 35 U.S.C. § 102

In item 3 of the Office Action, claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,081,627 (Kannon et al.). In response, Applicants have amended independent claim 1 to define clearly the present invention over the prior art of record.

In particular, independent claim 1 has been amended to recite that the timing pattern area is configured on three sides of the whole code image. As seen in Figure 8 and on column 10, lines 20-31 of Kannon et al., Kannon et al. disclose a two-dimensional code having a timing pattern 22 on two sides, and fail to disclose or to suggest a timing pattern on three sides as recited. Clearly, this structure is *not* disclosed or suggested by Kannon et al. or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claim 1, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Rejections - 35 U.S.C. § 103

In item 5 of the Office Action, claims 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,081,627 (Kannon et al.) in view of U.S. Patent No. 6,102,289 (Gabrielson). In item 6 of the Office Action, claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,081,627 (Kannon et al.) in view of U.S. Patent No. 5,742,041 (Liu). In response, Applicants have amended independent claim 1 as mentioned above.

More specifically, independent claim 1 now clearly recites that the timing pattern area is configured on three sides of the whole code image. As stated, as seen in Figure 8 and on column 10, lines 20-31 of Kannon et al., Kannon et al. disclose a two-dimensional code

having a timing pattern 22 on two sides, and fail to disclose or to suggest a timing pattern on three sides as recited. Further, Gabrielson and Liu are respectively cited for their disclosures of characters and quiet zones, and are silent with regards to a timing pattern. Thus, Applicants respectfully assert that Gabrielson and Liu also fail to disclose or to suggest a timing pattern as recited. Since none of the prior art references discloses or suggests this feature, Applicants respectfully assert that the combination of the references also fails to disclose or to suggest this feature.

Clearly this arrangement is *not* disclosed or suggested by the Kannon et al., Gabrielson, and Liu patents, or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a two-dimensional code.

Moreover, Applicants believe that the dependent claims are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-10 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



Todd M. Guise
Reg. No. 46,748

GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444

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